

Message Text

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ACTION ARA-20

INFO OCT-01 ADP-00 PM-07 NSC-10 SS-15 RSC-01 L-03 CIAE-00

INR-10 NSAE-00 PA-03 USIA-15 PRS-01 CPR-02 AID-20

RSR-01 /109 W

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R 242126Z AUG 73

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC 9119

INFO SECDEF WASHDC

USCINCSO

AMCONSUL CALI UNN

AMCONSUL MEDELLIN UNN

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E.O. 11652: NA

TAGS: MARR CO

SUBJECT: COLOMBIA PROPOSES A NEW MILITARY MISSION
AGREEMENT

SECDEF FOR ISA

USCINCSO FOR POLAD

1. ON FEBRUARY 8, 1973, THE COLOMBIAN GOVERNMENT SUBMITTED TO THE DEPARTMENT OF DEFENSE (ISA) A DRAFT AGREEMENT IT PROPOSES TO REPLACE THE PRESENT ARMY, NAVY AND AIR FORCE MISSION AGREEMENTS. DOD/ISA TRANSMITTED THE DRAFT FOR STUDY TO THE DEPARTMENT OF STATE. SEVERAL MONTHS HAVE PASSED WITHOUT ANY FURTHER WORD FROM WASHINGTON ABOUT THE DRAFT. WE BELIEVE IT WOULD BE IMPOLITIC TO WAIT MUCH LONGER TO REPLY TO THE COLOMBIANS: WITH SMALL EXCEPTIONS THEIR DRAFT IS ACCEPTABLE AND WE BELIEVE WE WILL HAVE NO TROUBLE NEGOTIATING THE CHANGES WE WANT. IN THE CIRCUMSTANCES, WE STRONGLY RECOMMEND THAT THE DEPARTMENT GIVE ITS PROMPT

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ATTENTION TO THE COLOMBIAN DRAFT AND AUTHORIZE THE

EMBASSY TO CONCLUDE A NEW AGREEMENT ONCE ALL DIFFERENCES HAVE BEEN WORKED OUT.

2. THERE ARE TWO IMPORTANT AREAS THAT NEED TO BE HIGHLIGHTED AND WERECOMMEND THEY BE HANDLED AS FOLLOWS: A) AT THE PRESENT TIME ALL MILITARY MISSION PERSONNEL ENJOY DIPLOMATIC STATUS. IN THEIR DRAFT (ARTICLES 3, 5 AND 12), THE COLOMBIANS PROPOSE TO LIMIT DIPLOMATIC STATUS TO ACCREDITED PERSONNEL (THIS MEAND PERSONNEL ACCREDITED TO THE MINISTER OF DEFENSE) IF WE WERE TO ACCEPT THE COLOMBIAN PROPOSAL TWO OFFICERS AND THREE ENLISTED MEN WOULD BE DENIED DIPLOMATIC STATUS. WE RECOMMEND THAT THE US ASK THAT ALL PERSONNEL, ADVISORY AND SUPPORT, BE ACCORDED DIPLOMATIC STATUS. B) OUR CURRENT MISSION AGREEMENTS CONTAIN AN EXCLUSIVITY PROVISION, THAT IS, COLOMBIA MAY NOT ENGAGE THE SERVICES OF PERSONNEL OF ANY OTHER NATION WITHOUT THE EXPRESS CONSENT OF THE USG. IN THEIR DRAFT, THE COLOMBIANS OMIT THIS PROVISION.WE DO NOT BELIEVE THE OMISSION IN ANY WAY AFFECTS THE ABILITY OF THE US MILITARY MISSIONS TO CARRY OUT THEIR ASSIGNMENTS. INDEED, THE INCLUSION OF SUCH A PROVISION IN THE ERA IN WHICH WE LIVE WOULD LEAVE THE AGREEMENT OPEN TO ATTACK BY CRITICS: WE MUST BE CAREFUL TO AVOID EVEN THE IMPRESSION OF LEONINE TREATIES.

3. A NUMBER OF MINOR NON-SUBSTANTIVE CHANGES WILL HAVE TO BE MADE, BUT THEY NEED NOT BE RELATED HERE.

4. ACTION REQUESTED: THAT THE DEPARTMENT OF STATE AND OTHER INTERESTED AGENCIES COMPLETE THEIR REVIEW OF THE COLOMBIAN DRAFT AGREEMENT, FORWARD PROPOSED CHANGES TO THE EMBASSY AND AUTHORIZE THE CHARGE TO NEGOTIATE AND SIGN A NEW AGREEMENT.
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